

2013 DRAFTING REQUEST

Bill

Received: 5/14/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: JoCasta Zamarripa (608) 267-7669 By/Representing: Mike
May Contact: Drafter: tkuczens
Subject: Education - choice programs Addl. Drafters:
Extra Copies: pg, ffk

Submit via email: YES
Requester's email: Rep.Zamarripa@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Background investigation requirements for teachers in and administrators of choice schools

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 6/3/2013	wjackson 6/12/2013		_____			
/P1	tkuczens 6/26/2013	wjackson 7/1/2013	phenry 7/1/2013	_____	srose 6/12/2013		
/P2	tkuczens 2/11/2014	wjackson 2/11/2014		_____	lparisi 7/1/2013		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			jfrantze 2/11/2014	_____ _____	sbasford 2/11/2014	lparisi 2/26/2014	State

FE Sent For:

<END>

→ At
Intro.

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/P2	tkuczens 2/11/2014	wjackson 2/11/2014		_____	lparisi 7/1/2013		State

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/?	tkuczens 6/3/2013	wjackson 6/12/2013		_____			
/P1	tkuczens 6/26/2013	wjackson 7/1/2013	phenry 7/1/2013	_____	srose 6/12/2013		
/P2		1 wj 2/11		_____	lparisi 7/1/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received:	5/14/2013	Received By:	tkuczens
Wanted:	As time permits	Same as LRB:	
For:	Evan Goyke (608) 266-0645	By/Representing:	Ryan Knocke
May Contact:		Drafter:	tkuczens
Subject:	Education - choice programs	Addl. Drafters:	
		Extra Copies:	pg, flk

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Background investigation requirements for teachers in and administrators of choice schools

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 6/3/2013	wjackson 6/12/2013		_____			
/P1	tkuczens 6/26/2013	wjackson 7/1/2013	phenry 7/1/2013	_____	srose 6/12/2013		
/P2				_____	lparisi 7/1/2013		State

FE Sent For:

<END>

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Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan Knocke
May Contact: Drafter: tkuczens
Subject: Education - choice programs Addl. Drafters:
Extra Copies: pg, ffk

Submit via email: YES
Requester's email: Rep.Goyke@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Background investigation requirements for teachers in and administrators of choice schools

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 6/3/2013	wjackson 6/12/2013	ph	ph/gm			
/P1		1p2 wj 7/1	jfrantze 6/12/2013		srose 6/12/2013		

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No specific pre topic given

Topic:

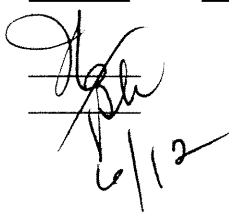
Background investigation requirements for teachers in and administrators of choice schools

Instructions:

No specific instructions given

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/?	tkuczens	/pl WLj 6/12	/pl WLj 6/12				
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FE Sent For:

<END>

Kuczenski, Tracy

From: Knocke, Ryan
Sent: Tuesday, May 07, 2013 3:01 PM
To: Kuczenski, Tracy
Subject: Updated Edits for Bill Draft - Rep. Goyke - LRB 0889/1

Hello! Rep. Goyke and I connected with DPI and put together the changes below to the current draft of LRB 0889/1. I appreciate you working with us and thank you for your patience.

I will outline them below and can send over a copy of the hand marked up bill draft that reflects these changes if you would like. I hope this is easy to follow.

Section 1:

- ✓ Strike line 2 through line 7 up to and (c).
- ✓ Line 2 – 118.60 (7) (h) 1. All participating private schools shall conduct a state and federal background check of all teachers and administrators employed on the effective date of the bill and prior to an offer of employment.
- ✓ At the end of section 1, page 3, line 2 and 3, please modify the statute citations to include s.115.31 (2g), 115.31 (6m), or 115.315.
- ✓ Strike section one, subparagraph 2 and 3
- ✓ Strike section 2
- ✓ At the end of Section 3, please modify the statute citations to include s. 115.31 (2g), 115.31 (6m), or 115.315
- ✓ For section 5, subparagraph 1, strike line 1-6 up to and (c). Please change the language to read starting with line 1: 119.23 (7) (h) 1. All participating private schools shall conduct a state and federal background check of all teachers and administrators employed on the effective date of the bill and prior to an offer of employment.
- ✓ At the end of section 5, subparagraph 1, please revise the statute citations to include s. 115.31 (2g), 115.31 (6m), or 115.315.
- ✓ Strike section 5, subparagraph 2 and 3.
- ✓ Strike section 6
- ✓ At the end of section 7, line 2, please revise the statute citations to read s. 115.31 (2g), 115.31 (6m), or 115.315.

After section 7, please add a new section that states: The State Superintendent may terminate a school from the program if it employs teachers or administrators without conducting background checks or employs those who would not be eligible to be licensed under s. 115.31 (2g), 115.31 (6m), or 115.315.

“RESEARCH APPENDIX”

... Drafting History Reproduction Request Form ...

 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: TKK) (Date: 05 / 30 / 2013)

Note:

**BOTH DRAFTS SHOULD HAVE THE
SAME “REQUESTOR”**

(exception: companion bills)



Please transfer the drafting file for

2011 LRB

(For: Rep. / Sen. _____)

to the drafting file for

2013 LRB

(For: Rep. / Sen. _____)

OR



Please copy the drafting file for

2013 LRB

0889

/ 1

(include the version)

(For: Rep. / Sen. _____)

Jorgensen

and place it in the drafting file for

2013 LRB

2375

(For: Rep. / Sen. _____)

Goyke



Are These “Companion Bills” ?? ... Yes No

If yes, who in the initial requestor’s office authorized the copy/transfer of the drafting history

(“guts”) from the original file: _____

Kuczenski, Tracy

From: Kelly, Tom
Sent: Thursday, May 30, 2013 11:52 AM
To: Kuczenski, Tracy
Cc: Knocke, Ryan
Subject: RE: LRB-0889 (Background investigation requirements)

Yes, Rep. Jorgensen has transferred authority over this draft to Rep. Goyke.

From: Kuczenski, Tracy
Sent: May 30, 2013 11:12
To: Kelly, Tom
Subject: LRB-0889 (Background investigation requirements)

Hi Tom –

Ryan Knocke in Rep. Goyke's office has provided me with instructions to modify this bill. Can you please confirm that Rep. Jorgensen has transferred authority over this bill to Rep. Goyke?

Thank you,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867



State of Wisconsin
2013 - 2014 LEGISLATURE



375/p1

LRB-0889/T

TKK:wlj:jm

BAHR
insert

stays

2013 BILL

6/3/12

today

Today
please

Regen

1 AN ACT ~~to amend~~ 118.60 (10) (c) and 119.23 (10) (c); and **to create** 118.60 (7) (h),
2 118.60 (10) (a) 9., 118.60 (10) (bm), 119.23 (7) (h), 119.23 (10) (a) 9. and 119.23
3 (10) (bm) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to ~~the~~ ^{va} background ~~investigation requirements~~ ^{checks} and ~~and~~ ^{va} STET
7 employment restrictions imposed upon teachers in public schools.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, current law requires fingerprinting of the applicant, and DOJ may forward the fingerprinting cards to the Federal Bureau of Investigation to verify the applicant's identity and obtain records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an individual (licensee) by the

BILL

conduct @ state
and federal

state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

Under current law, a pupil who resides in the city of Milwaukee or an eligible school district (currently only the Racine Unified School District) may, under a parental choice program, attend a participating private school at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill requires the state superintendent to ensure that, on an annual basis, teachers in and administrators and owners of private schools participating in a parental choice program are subject to the same background investigations

applicable to licensees. The bill requires the state superintendent to charge each private school a fee sufficient to reimburse the Department of Public Instruction for the costs to conduct the investigations required under the bill. The state superintendent may prohibit a private school from participating in a parental choice program in the current school year if the private school has failed to pay the fee charged for the background investigations. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

extending on offer of employment to an individual who applies to teach in or serve as an administrator of the private school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.60 (7) (h) of the statutes is created to read:

STE 118.60 (7) (h) (1) Annually, by August 1, the state superintendent shall, with the assistance of the department of justice, ensure that each teacher and administrator employed by a participating private school is subject to the same background investigation and, if a reasonable basis for further investigation exists, fingerprinting, as is conducted with respect to an applicant for issuance or renewal of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating private school may not employ a person as a teacher or administrator or contract with

or if the private school employs a teacher or administrator without conducting @ back ground checks or who would be ineligible to be licensed for any of the reasons identified above

Insert 2-2

BILL

the person to serve as a teacher or administrator if the person would not be eligible
 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
 or 115.315. (2g) or (6m)

2. Annually, by August 1, the state superintendent shall, with the assistance
 of the department of justice, ensure that each owner of a participating private school
 is subject to the same background investigation and, if a reasonable basis for further
 investigation exists, fingerprinting, as is conducted for each teacher and
 administrator employed by the participating private school under subd. 1.

3. The state superintendent shall charge the participating private school a fee
 sufficient to reimburse the department for the costs of the investigations required
 under this paragraph.

SECTION 2. 118.60 (10) (a) 9. of the statutes is created to read:

118.60 (10) (a) 9. Failed to pay the fee charged to the private school under sub.
 (7) (h) 3.

SECTION 3. 118.60 (10) (bm) of the statutes is created to read:

118.60 (10) (bm) The state superintendent may issue an order immediately
 terminating a private school's participation in the program under this section if he
 or she determines that the owner of the private school would not be eligible or
 permitted to be employed, licensed, or permitted for any of the reasons specified
 under s. 115.31^{(2g) or (6m)} or 115.315.

SECTION 4. 118.60 (10) (c) of the statutes is amended to read:

118.60 (10) (c) Whenever the state superintendent issues an order under par.
 (a), (am), or (b), ^(bg) or ^(br) (bm) he or she shall immediately notify the parent or guardian
 of each pupil attending the private school under this section.

SECTION 5. 119.23 (7) (h) of the statutes is created to read:

Insert 3-21

BILL

Insert 4-2

1 (STET) 119.23 (7) (h) (1) Annually, by August 1, the state superintendent shall, with the
2 assistance of the department of justice, ensure that each teacher and administrator
3 employed by a participating private school is subject to the same background
4 investigation and, if a reasonable basis for further investigation exists,
5 fingerprinting, as is conducted with respect to an applicant for issuance or renewal
6 of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating
7 private school may not employ a person as a teacher or administrator or contract with
8 the person to serve as a teacher or administrator if the person would not be eligible
9 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6)
10 or 115.315.

11 2. Annually, by August 1, the state superintendent shall, with the assistance
12 of the department of justice, ensure that each owner of a participating private school
13 is subject to the same background investigation and, if a reasonable basis for further
14 investigation exists, fingerprinting, as is conducted for each teacher and
15 administrator employed by the participating private school under subd. 1.

16 3. The state superintendent shall charge the participating private school a fee
17 sufficient to reimburse the department for the costs of the investigations required
18 under this paragraph.

19 SECTION 6. 119.23 (10) (a) 9. of the statutes is created to read:

20 119.23 (10) (a) 9. Failed to pay the fee charged to the private school under sub.

21 (7) (h) 3.

22 SECTION 7. 119.23 (10) (bm) (bg) of the statutes is created to read:

23 119.23 (10) (bm) (bg) The state superintendent may issue an order immediately
24 terminating a private school's participation in the program under this section if he
25 or she determines that the owner of the private school would not be eligible or

BILL

1 permitted to be employed, licensed, or permitted for any of the reasons specified
(2g) or (6m)
2 under s. 115.31 or 115.315.

3 **SECTION 8.** 119.23 (10) (c) of the statutes is amended to read:

4 119.23 (10) (c) Whenever the state superintendent issues an order under par.
(bg) ↑
5 (a), (am), or (b), or (bm), he or she shall immediately notify the parent or guardian
6 of each pupil attending the private school under this section.
6 (br)

7 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2375/?ins
TKK:.....

INSERT 2-2

NO 9

Each private school participating in the program under this section shall conduct a state and federal background check^S of all teachers and administrators employed by the private school on the effective date of this subdivision [LRB inserts date].

****NOTE: The term "background check^S" seems vague. Might I suggest substituting a requirement that the private school be required to obtain the information under s. 48.685 (2) (am)?

****NOTE: Do you want to require the private school to regularly or periodically conduct background checks of its employees?

2. Beginning on the effective date of this subdivision [LRB inserts date], each private school participating in the program under this section shall conduct a state and federal background check^S of each individual who applies to teach in or serve as an administrator of the private school prior to extending an offer of employment to that individual.

3.

INSERT 3-21

SECTION ~~11~~ 118.60 (10) (br) of the statutes is created to read:

118.60 (10) (br) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the private school has failed to comply with the requirements under sub. (7) (h) 1. or 2. or if the private school employs an individual in contravention of the prohibitions under sub. (7) (h) 3.

SECTION ~~11~~ 118.60 (10) (c) of the statutes is amended to read:

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), or (b), he or she shall immediately notify the parent or guardian of each
3 pupil attending the private school under this section.

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: eadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

INSERT 4-2

4 Each private school participating in the program under this section shall
5 conduct a state and federal background check^S of all teachers and administrators
6 employed by the private school on the effective date of this subdivision [LRB
7 inserts date].

8 2. Beginning on the effective date of this subdivision [LRB inserts date],
9 each private school participating in the program under this section shall conduct a^S
10 state and federal background check^S of each individual who applies to teach in or
11 serve as an administrator of the private school prior to extending an offer of
12 employment to that individual.

13 3.

INSERT 5-3

14 **SECTION 3.** 119.23 (10) (br) of the statutes is created to read:

15 119.23 (10) (br) The state superintendent may issue an order immediately
16 terminating a private school's participation in the program under this section if he
17 or she determines that the private school has failed to comply with the requirements
18 under sub. (7) (h) 1. or 2. or if the private school employs an individual in
19 contravention of the prohibitions under sub. (7) (h) 3.

Kuczenski, Tracy

From: Knocke, Ryan
Sent: Thursday, June 13, 2013 3:16 PM
To: Kuczenski, Tracy
Subject: FW: Draft review: LRB -2375/P1 Topic: Background investigation requirements for teachers in and administrators of choice schools
Attachments: 13-2375/P1.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Tracy-

Thank you for your work on this draft. We greatly appreciate it. To answer your 2 drafter's note questions –

- 1.) For the definition of background check – I believe we agree with your suggestion. We would like that definition to be the same as what public schools use.
- 2.) For schedule of background checks- We would like this to also match what DPI/public schools currently use. Whether that be at initial hiring or every 5 or 10 years. The idea again is for this to be done the same as public schools currently use.

I hope this is helpful. Could these changes be made and a final version sent to us? Thank you and all the best.

- Ryan

From: LRB.Legal
Sent: Wednesday, June 12, 2013 11:50 AM
To: Rep.Goyke
Subject: Draft review: LRB -2375/P1 Topic: Background investigation requirements for teachers in and administrators of choice schools

Following is the PDF version of draft LRB -2375/P1.

Kuczenski, Tracy

From: Knocke, Ryan
Sent: Wednesday, June 26, 2013 10:38 AM
To: Kuczenski, Tracy
Subject: RE: Draft review: LRB -2375/P1 Topic: Background investigation requirements for teachers in and administrators of choice schools

Tracy-

Thank you for your continued help on this bill. We greatly appreciate it very much.

- 1.) I think using that language would be great. Thank you for the suggestion.
- 2.) Yes, I think every 5 years would be a good place to start since it seems that reflects what DPI and public schools must do.

From: Kuczenski, Tracy
Sent: Wednesday, June 26, 2013 10:03 AM
To: Knocke, Ryan
Subject: RE: Draft review: LRB -2375/P1 Topic: Background investigation requirements for teachers in and administrators of choice schools

Hi Ryan –

1. In response to your first response, there is no definition for “background check” in DPI’s statutes. I could simply duplicate the language under s. 118.19 (10) (b), to wit: “with the assistance of the department of justice, conduct a background investigation...”. Does this accomplish Representative Goyke’s intent?
2. In response to your second response, DPI is required to conduct a background investigation of each applicant for issuance or renewal of a license or permit. It appears that licenses are issued for varying terms depending on the type of license (1 year, 5 years, life license). For those persons issued a license without an expiration date, DPI must, “[o]ver a 5-year period, conduct a background investigation of each person who holds [such a] license. . .”
Because teachers in private schools aren’t required to obtain or renew a license or permit, do you want to specify that private schools must periodically re-conduct the background investigation every 5 years?

Thanks,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Knocke, Ryan
Sent: Thursday, June 13, 2013 3:16 PM
To: Kuczenski, Tracy
Subject: FW: Draft review: LRB -2375/P1 Topic: Background investigation requirements for teachers in and administrators of choice schools

Tracy-



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2375/P1 P2

TKK.wlj/wj

stop / insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6/25/13

soon after budget signed

Regen

1 AN ACT *to amend* 118.60 (10) (c) and 119.23 (10) (c); and *to create* 118.60 (7) (h),
2 118.60 (10) (bg), 118.60 (10) (br), 119.23 (7) (h), 119.23 (10) (bg) and 119.23 (10)
3 (br) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to the background investigation requirements and
7 employment restrictions imposed upon teachers in public schools.

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For a teacher that remains employed by the private school, and at least once every five years after the last background investigation was conducted

LRB-2375/P1
TKK:wlj:wj

or administrator

state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

This bill requires each private school participating in a parental choice program to conduct state and federal background investigations of each teacher and administrator employed by the private school on the effective date of the bill. The bill also requires each participating private school to conduct background checks prior to extending an offer of employment to an individual who applies to teach in or serve as an administrator of the private school. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above or if the private school employs a teacher or administrator without conducting background checks or who would be ineligible to be licensed for any of the reasons identified above.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 118.60 (7) (h) of the statutes is created to read:

2 118.60 (7) (h) 1. Each private school participating in the program under this
 3 section shall ^{with the assistance of the department of justice} conduct state and federal background ^{investigation} checks of all teachers and
 4 administrators employed by the private school on the effective date of this
 5 subdivision [LRB inserts date]. Insert 2-5

****NOTE: The term "background checks" seems vague. Might I suggest substituting a requirement that the private school be required to obtain the information under s. 48.685 (2) (am)?

****NOTE: Do you want to require the private school to regularly or periodically conduct background checks of its employees?

6 2. Beginning on the effective date of this subdivision [LRB inserts date],
 7 each private school participating in the program under this section shall ^{with the assistance of the department of justice} conduct
 8 state and federal background ^{investigation} checks of each individual who applies to teach in or
 9 serve as an administrator of the private school prior to extending an offer of
 10 employment to that individual.

3. A participating private school may not employ a person as a teacher or administrator or contract with the person to serve as a teacher or administrator if the person would not be eligible to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 2. 118.60 (10) (bg) of the statutes is created to read:

118.60 (10) (bg) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the owner of the private school would not be eligible or permitted to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 3. 118.60 (10) (br) of the statutes is created to read:

118.60 (10) (br) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the private school has failed to comply with the requirements under sub. (7) (h) 1. or 2. or if the private school employs an individual in contravention of the prohibitions under sub. (7) (h) 3.

SECTION 4. 118.60 (10) (c) of the statutes ^{as affected by 2013 Wisconsin Act 20} is amended to read:

118.60 (10) (c) Whenever the state superintendent issues an order under par. (a), (am), ^{plain → (ar) ↑} ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or guardian of each pupil attending the private school under this section.

SECTION 5. 119.23 (7) (h) of the statutes is created to read:

119.23 (7) (h) 1. Each private school participating in the program under this ^{with the assistance of the department of justice ↑} section shall ~~conduct~~ state and federal background ~~checks~~ ^{investigation} of all teachers and administrators employed by the private school on the effective date of this subdivision [LRB inserts date]. Insert 3-25

2. Beginning on the effective date of this subdivision [LRB inserts date],
each private school participating in the program under this section shall ^{with the assistance of the department of justice} conduct ^{an investigation} ~~state and federal~~ background ~~checks~~ of each individual who applies to teach in or
serve as an administrator of the private school prior to extending an offer of
employment to that individual.

3. A participating private school may not employ a person as a teacher or
administrator or contract with the person to serve as a teacher or administrator if
the person would not be eligible to be employed, licensed, or permitted for any of the
reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 6. 119.23 (10) (bg) of the statutes is created to read:

119.23 (10) (bg) The state superintendent may issue an order immediately
terminating a private school's participation in the program under this section if he
or she determines that the owner of the private school would not be eligible or
permitted to be employed, licensed, or permitted for any of the reasons specified
under s. 115.31 (2g) or (6m) or 115.315.

SECTION 7. 119.23 (10) (br) of the statutes is created to read:

119.23 (10) (br) The state superintendent may issue an order immediately
terminating a private school's participation in the program under this section if he
or she determines that the private school has failed to comply with the requirements
under sub. (7) (h) 1. or 2. or if the private school employs an individual in
contravention of the prohibitions under sub. (7) (h) 3.

^{as affected by 2013 Wisconsin Act 20,}
SECTION 8. 119.23 (10) (c) of the statutes is amended to read:

1 119.23 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), ^{plain → (ar) ↑} ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or guardian
3 of each pupil attending the private school under this section.


4

(END)


2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2375/P1ins
TKK:wlj:wj

INSERT 2-5

1  At least once every 5 years after the date of the immediately preceding
2 background investigation conducted for a teacher or administrator who remains
3 employed by a private school, the private school shall, with the assistance of the
4 department of justice, conduct another background investigation of that teacher or
5 administrator.

INSERT 3-25

6  At least once every 5 years after the date of the immediately preceding
7 background investigation conducted for a teacher or administrator who remains
8 employed by a private school, the private school shall, with the assistance of the
9 department of justice, conduct another background investigation of that teacher or
10 administrator.

Kuczenski, Tracy

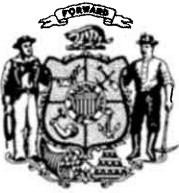
From: Knocke, Ryan
Sent: Wednesday, January 22, 2014 11:19 AM
To: Kuczenski, Tracy
Subject: Rep. Goyke Permission

Tracy-

You have our permission to give Rep. Zamrripa rights to our voucher background check bill. Thank you!

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2375/PZ /
TKK:wlj:ph
RMNR

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/11/14

Today (see changes p. 3)

Regen

1 AN ACT ~~to amend~~ 118.60 (10) (c) and 119.23 (10) (c); and **to create** 118.60 (7) (h),
2 118.60 (10) (bg), 118.60 (10) (br), 119.23 (7) (h), 119.23 (10) (bg) and 119.23 (10)
3 (br) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to the background investigation requirements and
7 employment restrictions imposed upon teachers in public schools.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, current law requires fingerprinting of the applicant, and DOJ may forward the fingerprinting cards to the Federal Bureau of Investigation to verify the applicant's identity and obtain records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an individual (licensee) by the

state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

This bill requires each private school participating in a parental choice program to conduct a background investigation of each teacher and administrator employed by the private school on the effective date of the bill and for a teacher or administrator that remains employed by the private school, at least once every five years after the last background investigation was conducted. The bill also requires each participating private school to conduct a background investigation prior to extending an offer of employment to an individual who applies to teach in or serve as an administrator of the private school. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above or if the private school employs a teacher or administrator without conducting a background investigation or the teacher or administrator would be ineligible to be licensed for any of the reasons identified above.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.60 (7) (h) of the statutes is created to read:

2 118.60 (7) (h) 1. Each private school participating in the program under this
3 section shall, with the assistance of the department of justice, conduct a background
4 investigation of all teachers and administrators employed by the private school on
5 the effective date of this subdivision [LRB inserts date]. At least once every 5
6 years after the date of the immediately preceding background investigation
7 conducted for a teacher or administrator who remains employed by a private school,
8 the private school shall, with the assistance of the department of justice, conduct
9 another background investigation of that teacher or administrator.

****NOTE: The term "background checks" seems vague. Might I suggest substituting a requirement that the private school be required to obtain the information under s. 48.685 (2) (am)?

****NOTE: Do you want to require the private school to regularly or periodically conduct background checks of its employees?

1 2. Beginning on the effective date of this subdivision [LRB inserts date],
2 each private school participating in the program under this section shall, with the
3 assistance of the department of justice, conduct a background investigation of each
4 individual who applies to teach in or serve as an administrator of the private school
5 prior to extending an offer of employment to that individual.

6 3. A participating private school may not employ a person as a teacher or
7 administrator or contract with the person to serve as a teacher or administrator if
8 the person would not be eligible to be employed, licensed, or permitted for any of the
9 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

10 **SECTION 2.** 118.60 (10) (bg) of the statutes is created to read:

11 118.60 (10) (bg) The state superintendent may issue an order immediately
12 terminating a private school's participation in the program under this section if he
13 or she determines that the owner of the private school would not be eligible or
14 permitted to be employed, licensed, or permitted for any of the reasons specified
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21 contravention of the prohibitions under sub. (7) (h) 3.

1 **SECTION 4.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 118.60 (10) (c) Whenever the state superintendent issues an order under par.
4 (a), (am), (ar), ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or
5 guardian of each pupil attending the private school under this section.

6 **SECTION 5.** 119.23 (7) (h) of the statutes is created to read:

7 119.23 (7) (h) 1. Each private school participating in the program under this
8 section shall, with the assistance of the department of justice, conduct a background
9 investigation of all teachers and administrators employed by the private school on
10 the effective date of this subdivision [LRB inserts date]. At least once every 5
11 years after the date of the immediately preceding background investigation
12 conducted for a teacher or administrator who remains employed by a private school,
13 the private school shall, with the assistance of the department of justice, conduct
14 another background investigation of that teacher or administrator.

15 2. Beginning on the effective date of this subdivision [LRB inserts date],
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17 assistance of the department of justice, conduct a background investigation of each
18 individual who applies to teach in or serve as an administrator of the private school
19 prior to extending an offer of employment to that individual.

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is amended to read:

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(END)

Rose, Stefanie

From: VanDenHeuvel, Mike
Sent: Wednesday, February 26, 2014 1:44 PM
To: LRB.Legal
Subject: Draft Review: LRB -2375/1 Topic: Background investigation requirements for teachers in and administrators of choice schools

Please Jacket LRB -2375/1 for the ASSEMBLY.